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US EPA RECORDS CENTER REGION 5



452276

MEMORANDUM

DATE: 12/19/91

SUBJECT: Data Compilation Gary Disposal, Gary Indiana

FROM: Mary Fulghum, ORC
John Tielsch, ORC
Fred Micke, RRB

TO: Litigation Screening Committee

We have reviewed RAI data compilation for the Gary Disposal site. The data compilation is of limited value for litigation screening except to the extent that it directs agency personnel to available documents. On the basis of this data compilation alone we are not able to make specific enforcement recommendations (e.g. proceed with CERCLA removal action at unit) but can offer the following general observations and recommendations:

- 1) A title search should be conducted and the financial condition of the present owner/operator should be evaluated.
- 2) Information requests should be sent to identified generators and follow-ups should be sent to Gary Disposal.
- 3) The current RCRA status of the facility must be determined as well as the status of any state or federal enforcement actions.
- 4) This site may score high enough to be placed on the NPL. Any proposed CERCLA action should consider its impact upon any pending state or federal enforcement actions. If Gary Development does not have the resources to correct problems at the site, an "emergency" action under RCRA § 7003 or CERCLA §§ 104 or 106 should be considered.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: December 19, 1991

SUBJECT: Data Compilation -- Gary Development Co.

FROM: Fred Micke, RPM *FAM*
IL/IN #3, RRB

TO: Mary Fulgham, Attorney - ORC
and
John Tielsch, Attorney - ORC

I have reviewed the Data Compilation document for the Gary Development Co. (Gary Development) site. I have the following comments:

- 1) The document was a very thorough document. However, the document as completed does not give the reader any real information as to what was in the 104(e) response from Gary Development. Therefore, I would like to read the actual 104(e) response at some point in time.
- 2) I have received from Colleen Hart, the preliminary scoring package. The preliminary package indicates that Gary Development will likely score high enough to be listed on the NPL. The preliminary score is 51.3 (28.5 is the minimum score needed to make the NPL).
- 3) The preliminary package recommends that the site be inspected further based on threats to surface water and ground water in the vicinity of the site.
- 4) As a result of the deficient response from Gary Development to the 104(e) letter, I recommend that a very detailed and strongly worded follow-up 104(e) letter should be sent to Gary Development.
- 5) Since USEPA does not know who owns Gary Development, a thorough Title Search should be performed.
- 6) Since it appears that Gary Development will score for the NPL, 104(e) letters should be sent as soon as possible to the PRPs referenced in the document.
- 7) This site looks as if it is a prime SUPERFUND SITE. Therefore, we should proceed as quickly as possible and get this site scored and on the NPL. Let's go for it!